

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



**FISCAL MEMORANDUM**

**HB 2774 – SB 2780**

June 4, 2012

**SUMMARY OF AMENDMENTS (013316, 016847):** Deletes all language after the enacting clause. Beginning July 1, 2012, increases, from \$50 to \$350, the fee paid by a defendant petitioning a court for expunction of records following successful completion of a diversion program. Specifies that the \$350 fee is not applicable in any case where there has been an acquittal, nolle prosequi or dismissal for failure to prosecute, or where by law the expunction order is not required to be sent to the TBI. Expands the purposes for which the diversion fee may be used by the Tennessee Bureau of Investigation (TBI). Requires a defendant, upon request for a diversion program, to pay a \$100 fee to the TBI to be used by the Bureau for stated purposes. Requires this act to take effect 30 days after becoming law.

**FISCAL IMPACT OF ORIGINAL BILL:**

Increase State Revenue - \$4,431,500/TBI  
Increase State Expenditures - \$4,431,500/TBI

**FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENTS:**

**Unchanged from the original fiscal note.**

Assumptions applied to amendments:

- Beginning July 1, 2012, all revenue collected from the \$100 diversion request fee and the \$350 expunction fee for individuals completing a diversion program shall be used by the TBI for the following purposes: to employ personnel; purchase equipment and supplies; fund education, training and development of Bureau employees; maintain the databases; computer system support; maintenance costs; and any other purpose that allows the Bureau to do its business in a more efficient manner.
- According to TBI, there are 8,105 expungement requests and 20,000 diversion requests each year. There will be a recurring increase in state revenue of \$2,431,500 ( $\$300 \times 8,105$  expungement requests) + \$2,000,000 ( $\$100 \times 20,000$  diversion requests).
- The Bureau will spend the additional revenue for the stipulated purposes resulting in an increase in state expenditures of \$4,431,500 ( $\$2,431,500 + \$2,000,000$ ).
- This act becomes effective 30 days after becoming law, but the increase in fees does not take effect until July 1, 2012.

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**CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "Lucian D. Geise". The signature is fluid and cursive, with the first name "Lucian" written in a larger, more prominent script than the last name "Geise".

Lucian D. Geise, Executive Director

/lsc